

Issued August 30, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1028.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CONDENSED MILK.

On April 19, 1911, the United States Attorney for the Eastern District of Wisconsin, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Delavan Condensed Milk Co., Delavan, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on December 2, 1910, from the State of Wisconsin into the State of Missouri, of 47 cans of a food product denominated condensed milk which was misbranded. The labels on these cans contained the following statement: "Beauty Brand Unsweetened Evaporated Milk Tall Size Net Weight 16 oz. Manufactured by Delavan Condensed Milk Co."

An examination made by the Bureau of Chemistry of the United States Department of Agriculture of said cans of milk showed them to be short in weight, the net weight of said cans ranging from 14.87 ounces to 15.81 ounces, the average shortage being 2.95 per cent. Misbranding was alleged for the reason that said labels on said article purported that each of said 47 cans were full weight, that is to say, possessed a net weight of 16 ounces, whereas, in fact, said cans were short in weight, as aforesaid, and the statement on the label was therefore false and misleading.

On May 17, 1911, the defendant was arraigned, pleaded guilty, and was sentenced to pay a fine of \$25, which fine was paid.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *July 22, 1911.*